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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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10014140

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED:

This is a communication from the examiner in charge of this application.
COMMISSIONER OF PATENTS AND TRADEMARKS

NOTICE OF ALLOWABILITY

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

☒ This communication is responsive to the amendment of 5-5-04.

☒ The allowed claim(s) is/are 1, 2, 6-10 and 21-24.

☐ The drawings filed on _____ are acceptable as formal drawings.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

☐ All ☐ Some* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. _____.

☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE FOR SUBMITTING NEW FORMAL DRAWINGS, OR A SUBSTITUTE OATH OR DECLARATION.** ~~This three-month period for complying with the REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL is extendable under 37 CFR 1.136(a).~~

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☐ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☐ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. _____.

☐ including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any reply to this notice should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☒ Interview Summary, PTO-413 (two of them)

☐ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for the Deposit of Biological Material

☒ Examiner's Statement of Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

Von Wedel et al. (U.S. Patent 5,112,587) discloses a method for removing nitrogen oxides from waste gases, comprising treating the waste gas with a solution of hydrogen peroxide converted into the gaseous state in an amount which is adapted to the amount of nitrogen oxides in the waste gas to be removed to obtain a gaseous reaction mixture containing the nitrogen oxides and the hydrogen peroxide, reacting the gaseous mixture on a solid catalyst which can absorb at least hydrogen peroxide but which does not excessively decompose the hydrogen peroxide, and thereafter withdrawing the reacted gaseous mixture. (See column 16, line 52 - column 18, line 3.) Von Wedel et al. teach at column 2, lines 64-66 and column 17, lines 1-3 that the hydrogen peroxide is not "excessively decomposed", implying that at least some of the hydrogen peroxide is decomposed. Accordingly at least some of the hydrogen peroxide solution in the process of von Wedel et al. '587 would inherently be decomposed into a plurality of oxidative free radicals which further oxidize nitric oxide to form nitrogen dioxide, since the hydrogen peroxide comes into contact with the catalyst. The catalyst of von Wedel et al. '587 would constitute a "heated surface", since von Wedel et al. '587 teach at column 2, lines 59-62 that the gaseous mixture is

reacted at a temperature of as high as 120°C on the solid catalyst. However there is no teaching, disclosure or suggestion in von Wedel et al. '587 to impinge the hydrogen peroxide solution onto a surface heated to a temperature of 200 to 500°C within the stream of nitric oxide, as required by applicant's claims 1, 2, 6-10 and 23. Nor would there be any motivation from the prior art to do so. Regarding claims 6, 21, 23 and 24, there is no teaching, disclosure or suggestion in von Wedel et al. '587 to provide the heated surface with a catalytic coating containing an element selected from the group consisting of iron, chromium, copper, platinum, silver and palladium. Nor would there be any motivation from the prior art to do so. Regarding claims 10, 22 and 24, there is no teaching, disclosure or suggestion in von Wedel et al. '587 to heat the hydrogen peroxide solution to a temperature of 140°C. Nor would there be any motivation from the prior art to do so.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne A.

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Art Unit 1754

Langel whose telephone number is (571) 272-1353. The examiner can normally be reached on Monday through Friday from 8 A.M. to 3:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman, can be reached on (571) 272-1358. The fax phone number for this Group is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WAL:cdc

May 6, 2004

Wayne A. Langel
WAYNE A. LANGEL
PRIMARY EXAMINER